

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, JANUARY 7, 2014  
TOWN HALL 84 SOUTH MAIN STREET  
ROOM 207 at 7:30 p.m.**

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Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz, and Thom Norback.

Member absent: Will McPhee

Staff: Suzanne Simone.

**I. CALL TO ORDER**

Chairman de Jongh called the public hearing to order at 7:30 p.m.

**II. PLEDGE OF ALLEGIANCE**

All present recited the pledge allegiance.

**III. ROLL CALL**

Ms. Dunne called the roll.

Members present were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz, and Thom Norback.

**IV. DETERMINATION OF QUORUM**

Chairman de Jongh determined there were enough members present for a quorum.

**V. BUSINESS**

Ms. Dunne read the legal call to order on the following application:

|                         |     |           |
|-------------------------|-----|-----------|
| 1. Permit Application   | APP | #2013-028 |
| John Romanik, Jr.       | DOR | 10/15/13  |
| Whispering Hollow Court | PH  | 11/07/13  |
| Site Plan - House       | PH  | 11/19/13  |
|                         | PH  | 12/03/13  |
|                         | PH  | 1/07/14   |
|                         | SW  | 10/19/13  |
|                         | MAD | 1/07/14   |

Darin Overton, PE of Milone and MacBroom was present on behalf of the applicant.

Attorney Anthony Fazzone of Fazzone, Ryan & Ricciuti, LLC was also present.

Chairman de Jongh reviewed the procedures for the public hearing.

Mr. Overton said he had a couple of plans here – he pointed to the current plan that was submitted – he stated there was an older plan that had been submitted previously.

Mr. Overton stated this is lot 6 Hickory Knoll – its located in an R-80 zone – it's a 6.5 acre lot of that there's a central wetland corridor through a portion of the lot which covers about 3 acres of the lot so there's 3.5 acres approximately of upland area.

Mr. Overton said north is down on these maps so to the east is the terminus of Whispering Hollow Court and there's also lots 5 and 7 – its also bounded to the south just off the map here to the end to the south is Inverness Court – there are a couple of lots off of end Inverness that abut up to the southern boundary of this and then on both the west and northern side of the property is other property owned by Jay Cunningham.

Mr. Overton explained its mostly a wooded lot – there's an old farm road or woods road that came in here at one time – there's a series of four cross culverts in varying state of condition that exist out there now.

Mr. Overton showed a sheet on the plans that showed a braided stream – he stated there's a braided stream that comes through here – it flows in a northerly from south to north and it comes through as two separate streams – a third braided area over here (he pointed to plan) continues to braid out throughout the wetland – eventually these two streams come back together in the wetland and eventually they all come together further north.

Mr. Overton stated so the area highlighted in the lighter green is the delineated wetlands – those have been delineated over the years by a couple of different soil scientists and essentially the delineation has stayed the same – the area in the dark green is the wooded portion of the proposed development is planned to remain mostly wooded.

Mr. Overton said so what we are proposing is a single residence – its going to be served by public water – there's public water available in the roadway which would be extended along the driveway to serve the residence – there's also onsite septic system – testing has been done – we put in a

leaching field and its been approved for feasibility back in 2003 by Chesprocott.

Mr. Overton said just to flip over to the former plan – there was a plan that was proposed back in 2003 that was denied.

Mr. Overton stated we have gone back as part of the redesign of this and looked at the reasons for the denial and looked at options for how to address some of the issues associated with that.

Mr. Overton said this particular application was highlighted in blue – there are four 9' wide concrete box culverts that were proposed to covey a couple of the streams – two of the three braided streams come through here and then the other culverts that existed – two 18" and 15" culvert were proposed to be replaced as part of that.

Mr. Overton stated the former wetland impact was 4,700 SF.

Mr. Overton stated under the new plan that's been submitted – the driveway is of similar length – about 950 SF.

Mr. Overton stated under the new plan what we did was is we looked at the fact that these areas where there's other low points – since the stream is braided there needs to be multiple culvert locations in order to maintain the natural character and flow through the site.

Mr. Overton said what we looked at was where we had those four 9.5' box culverts – these was quite a bit of impact associated with installation of those that was permanent impact in installing those.

Mr. Overton said what we looked at was options to put in a timber bridge instead which would be less impact – leave the natural bottom of the stream channel there.

Mr. Overton stated there's also basically a cost factor associated with this.

Mr. Overton said ideally of we had the ability to build a bridge across the entire wetland that would be great and lessen the impact but it really gets to be cost prohibitive so what we came up in looking at the cost of the original box culverts – we looked at 60' long timber bridge – this increases the cost over the box culverts by about 30% to 40% is was something that we believe is feasible within the cost of developing the lot.

Mr. Overton said so essentially the differences between the prior plan and this plan are that we swapped the four concrete box culverts that were 9.5' wide for a 60' span of the timber – the timber bridge – all that would be

needed is clearing of essentially the over story – the timber bridge can then be – as wooden piles are driven the abutments are built which are wooded as well and then the equipment to build the bridge and drive the piles can actually drive right on top of the bridge and continue to drive the piles and drive the equipment – it doesn't have to go into the wetlands so there's really no disturbance to the soil – there's trees that need to be cleared – they can be cut and the stumps left they don't need to be excavated and then any of the natural under brush or other vegetation can be left there.

Mr. Overton said while we recognize there are some secondary impacts with some shading – there may be some change over and typically toward the middle part of the bridge where there's more shading it may not get in as deeply from the sides – there may be some change over in vegetation but for the most part we'd be able to leave the natural vegetation under the channel undisturbed.

Mr. Overton said another concern in the prior application was the trapping of sediment with the culverts in the weir that was proposed there.

Mr. Overton stated we believe that the timber bridge and leaving that natural channel which more open crossing will provide for better sediment transport recognizing that this again is a high gradient stream up stream of this with a 600 acre watershed – the natural sediment transport would continue to push the sediment down through here as it naturally does now – it either flows through and be deposited in the wetland.

Mr. Overton stated this also helps to provide a more natural wildlife corridor – there's a wetland elevation and an impact assessment that was done by William Root of our office – a soil scientist and wetland biologist – he did note that in walking through the wetlands and as was noted in previous application there is presence of vernal pool habitat in here – while there aren't necessarily any classic vernal pools nor any decent detailed evaluation of it we do recognize that there is vernal pool habitat in here.

Mr. Overton stated if you look at the location of those pools through the various braided streams there's areas where water gets trapped in pools and does set up for potential breeding for as a vernal pool.

Mr. Overton said we looked at the critical habitat area within 100' - our driveway's not within that 100' area but we believe again the timber bridge provides for a more natural bottom – better ability for wildlife that may move through the corridor now to continue to move as they do as opposed to going through box culverts.

Mr. Overton explained they did also look at the surrounding properties and see if there were any options there.

Mr. Overton stated lots 5 and 7 both have houses on them.

Mr. Overton said the Cunningham property is to the north and the west – the west goes up the hillside towards the state forest – access through the Cunningham property while there are no rights there – we’ve been looking that – it’s a long route out to Mountain Road and then looking at potential access coming off of Inverness Court would still require wetland crossings and while we didn’t fully investigate it be believe there would be zoning issues that would prevent us from adding a new driveway through those lots off Inverness.

Mr. Overton said so we’ve made some changes – adding some cost in putting the timber bridge in - in an effort to address some of the prior concerns of this Commission and reasons for denial.

Mr. Overton stated we believe that this is the best effort that we can make with the length of the timber bridge based on costs.

Mr. Overton stated Bill Root from our office was going to be here tonight to explain his evaluation of the wetlands and impact assessment – he’s gone through from the biological standpoint and looked at the impacts associated with the bridge and any effects that would be involved.

Mr. Overton said unfortunately he (Mr. Root) had some sort of family or medical emergency – I got a message about 6:30 p.m. tonight that we couldn’t make it so we’d like to have the opportunity if you have questions to have him address those at another time.

Dr. Dimmick asked what the clearance is between the bottom of the wooded bridge and the ground below it.

Mr. Overton said it’s about a 3’ clearance but if there was a preference for a specific clearance on this we could raise the bridge up somewhat and the driveway itself is relatively flat.

Mr. Overton said we could elevate that to maybe more or less clearance which ever would be desirable – he said there’s a bit of a threshold the higher we go with the bridge the more we have to ramp up the eider the fill may need to be.

Dr. Dimmick said animals could still get over it (the bridge).

Mr. Overton stated yes larger animals should be able to cross the driveway fairly easily and the smaller ones that crawl along the ground should be

able to follow underneath the timber bridge and follow the natural contours of the ground.

Mr. Norback said the existing wood road or farm road – is that right in that location and is it as wide or as you're proposing the driveway to be.

Mr. Overton said over the years the remnants of that farm road continue to get more and more overgrown and the evidence of it...

Mr. Overton stated it (the farm road) hasn't been used in some time – there are some trees growing in it but the evidence of it is still there and essentially the proposed driveway generally follows the alignment of that – there is some adjustment where it does get very close to the wetlands – we've tried to keep the proposed driveway balancing the earth work with the cut fill on each side – portions of this run along a slope – we tried to balance it out to generally follow the areas that have been impacted before but lessen the wetland impact.

Dr. Dimmick asked (after he compared the two maps) has that driveway moved slightly south of was that his imagination.

Mr. Overton stated they've kept it in the exact same place.

Dr. Dimmick said ok – the maps aren't the same orientation.

Mr. Overton said for some reason we turned them around – they are in the same orientation now.

Dr. Dimmick said on one map the driveway is going slightly upward on the map and the other one is slightly downward on the map so something has changed.

Mr. Overton stated yes – it's rotated a little bit – the driveway's is in the same location.

Mr. Norback said the timber bridge and you talked about the pile drive and those are wooded piles that would be driven.

Mr. Overton stated yes.

Mr. Norback asked the longevity is protected by the species and the treatment of the wood.

Mr. Overton state yes.

**Mr. Norback said and the pile driver gets out there how during construction.**

**Mr. Overton said they drive an excavator right on to the deck.**

**Dr. Dimmick said they lay the bridge down and follow it as they go.**

**Mr. Overton stated yes so they start out they would build the abutment here (shown on the plan) they bring the equipment in and drive the piles, build the base of the abutment – they're spaced every 15' so equipment can reach out and drive the piles 15' out – they lay the beams and deck and drive the equipment right on to the bridge and lay the next 15'.**

**Chairman de Jongh said there's a couple of things that need to get straightened out – you've got a mandatory action date of tonight which means that any further discussion does require the applicant to request an extension of the mandatory action date.**

**Attorney Fazzone stated he had a letter prepare to do that.**

**Chairman de Jongh stated okay I just wanted the record to show that.**

**Attorney Fazzone said we have a letter and we have extra time that we can give to complete that – we anticipated that there might be questions that would need to be answered and I have a letter extending to your next meeting.**

**Attorney Fazzone submitted the letter requesting the extension of the mandatory action date into the record.**

**Chairman de Jongh said one of the things that we had repeatedly asked for as this was being postponed and postponed was a summary of what you're doing differently on this site – these are the reasons why it was denied before – this is what we've doing differently.**

**Chairman de Jongh said I know you're presenting it to us verbally but we had asked for a written summary – I haven't seen one and I don't think Suzanne has seen one.**

**Chairman de Jongh said we have really asked for that because that allows the Commission members then who were not on the Commission at that point – I think there's only two of us who were on the Commission at that point – to be able to reflect back – okay this is why it was denied and this is what's different – it would certainly help us in the assessment of that so I think that's important that the Commission get that.**

Chairman de Jongh said and I think looking at some notes that staff had given me – “the site plan that we are looking at the wetland delineations submitted to this Commission for subdivision approval is still unsigned” – I’m not sure why but its still unsigned so I know Bill Root is going to make a presentation on this but we need to make sure there’s some kind of verification that there’s a wetland delineation for the record.

Ms. Dunne asked if this was the one done in 1995.

Chairman de Jongh stated yes.

Ms. Dunne said so that’s the one you’re using – the one from 1995.

Dr. Dimmick said Bill Root verified the plan.

Chairman de Jongh stated yes but the actual map isn’t signed.

Ms. Simone said we can double check the language on the map.

Attorney Fazzone asked if the impact analysis was submitted.

Ms. Simone stated yes – it’s dated October 7 (2013) – she said I know there was a lot of discussion the possible the design would change so that may have been changed.

Attorney Fazzone said I have one dated September 23 (2013).

Ms. Simone said I’m sorry it’s stamped received October 7 (2013) and is dated September 23 (2013).

Attorney Fazzone asked if copies were sent to everyone.

Ms. Simone said back in October Commission members received a copy of this.

Attorney Fazzone said there are some color photos in there that show (comment not picked up on the tape).

Dr. Dimmick said he wanted to ask one more question about the pilings – we have had in the past questions about preservatives used on pilings – some preservatives are reported to leak out - do you have information about how these pilings are being preserved and that they don’t leach out.

Mr. Overton said I don’t believe they use any copper sulfate products but I will check with the manufacture – we have had the manufacturer look at this and I’ll get their material data sheets and submit them.

Dr. Dimmick said that used to be a matter of concern – I would just like to be able to see (what's used).

Chairman de Jongh said its been a couple of months – it was actually back in the middle of October – if I remember correctly as we were walking the property there were areas of wetlands that had not been delineated on the map.

Chairman de Jongh said he thought there were some areas of concern that we were kind of coming across.

The plans were reviewed in respect to the wetland delineation.

Mr. Norback asked Mr. Chairman if he identified them on site.

Chairman de Jongh said you could see that clearly there were some areas that sound have been identified and (as long as I'm not mixing these things up in my head) I thought there were some issues as we were walking the property particularly as we were going towards the area where the house would be build – that's the section where the bridge and crossing the wetland area - there were some areas of concern.

Ms. Simone said she believed there was a question about the location of wetlands in this area.

Dr. Dimmick asked if this wasn't the case of a new channel being cut.

Mr. Norback asked f we'd be better off addressing this with Mr. Root since he's the one that has all the answers.

Chairman de Jongh said that's possible – I'm just trying to remember – as I said its two and a half almost three months ago that we did this – there were some issues that were raised as we went through that – I assume there were some notes taken.

Mr. Overton said the wetlands through here along the south side was very well defined by the base of the slope there – the same thing along the western side here.

Mr. Overton said the only place if there was any question at all and I wasn't aware of that...

Chairman de Jongh said it was along the proposed driveway that we were looking at – I don't remember – like I said it was about three months but I

**know there were some areas of concern and I thought there may have some – Ryan (McEvoy) was there.**

**Ms. Simone said she did have field notes and they are just field notes (we did not have to keep minutes because we did not have a quorum).**

**Dr. Dimmick said if we are going to have an extension of this with Bill Root meanwhile staff can review the notes.**

**Chairman de Jongh said we certainly need to have Bill Root make his commentary.**

**Chairman de Jongh asked Suzanne if Engineering had a chance to review this information.**

**Ms. Simone stated yes and those comments were given to the engineer.**

**Ms. Simone informed Mr. Overton that there were comments from the Regional Water Authority dated October 21 where they asked for details on the bridge – they attached some guidelines for bridge construction – do you know if additional information was sent to them.**

**Mr. Overton stated he didn't remember seeing RWA comments.**

**Ms. Simone said they were sent directly to you and cc'd us.**

**Mr. Overton stated I do remember the engineering comments.**

**Ms. Simone said and also the Fire Department – have you met with them to talk with them about the bridge.**

**Mr. Overton said he did meet with them and there's still a few issue that need to be discussed further with them.**

**Ms. Simone said so the design then may change based on their comments.**

**Mr. Overton stated I don't think so but there's still some discussion to take place.**

**Chairman de Jongh asked if there were any questions from the Commission members or staff.**

**Chairman de Jongh said we'll now allow the audience if they have any questions.**

**There was no additional Commission, staff or audience questions asked.**

Chairman de Jongh said I think there's reasonable cause to continue this public hearing and we received notice from the applicant that they wanted to extend the mandatory action date.

Mr. Kurtz asked if this might require another field trip out there or an opportunity for a trip to the property.

Chairman de Jongh said he didn't see why not.

Mr. Kurtz said we've got some sketchy information and there was almost shifting gears in the application so maybe we have to go out and take a look at – this application started a long time ago and then it was delayed and now we're hearing it again and its almost like for the first time.

Chairman de Jongh said I don't know if the application has actually changed from the original presentation.

Mr. Overton stated no.

Chairman de Jongh said so it's what we received the first time but certainly I would think the applicant would be open for those Commission members who were not able to go on the field trip the first time to have that opportunity again.

Mr. Overton stated absolutely.

Chairman de Jongh said to coordinate with Suzanne and certainly the applicant (for a trip to the site).

Chairman de Jongh said that we'll continue this public hearing to January 21, 2014 and await further information.

## VI. ADJOURNMENT

The public hearing was adjourned at 7:54 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills  
Recording Secretary  
Cheshire Inland Wetland and  
Watercourse Commission